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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

MARIA MARIVEL GOMEZ,

Case No.

Plaintiff,

v.

COMPLAINT FOR VIOLATIONS OF  
FAIR DEBT COLLECTION  
PRACTICES ACT

RAY KLEIN INC. AN OREGON  
CORPORATION dba PROFESSIONAL  
CREDIT SERVICE; BUZ MATTSON &  
ASSOCIATES, P.C.; FLOYD C.  
MATTSON

JURY REQUESTED

Defendants.

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JURISDICTION

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C.

§1692k(d).

2. This action arises out of Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA").

3. Venue is proper in this District because the acts and transactions occurred here, Plaintiff resides here, and Defendant transacts business here.

#### PARTIES

4. Plaintiff Maria Marivel Gomez (hereinafter "Plaintiff") is a natural person who resides in the City of Stayton, State of Oregon, and is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3).

5. Defendant Ray Klein Inc is an Oregon Corporation dba Professional Credit Service (hereinafter "Defendant") operating from an address of 2892 Crescent Avenue Eugene, Oregon 97408, is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6).

6. Defendant Buz Mattson & Associates PC ("the law firm") is a debt collector as defined by 15 U.S.C. § 1692a(6). The law firm represents PCS and collects consumer debts on behalf of PCS.

7. Defendant Floyd C. Mattson ("Mattson") is a debt collector as defined by 15 U.S.C. § 1692a(6). Mattson is an attorney at the law firm. Mattson represents PCS and collects consumer debts on behalf of PCS.

#### FACTUAL ALLEGATIONS

8. Defendants have attempted to garnish plaintiff when she owes no money to any defendants.

9. Defendants obtained a judgment against Maria N. Gomez..

10. On or about January 15, 2008 defendants issued a writ of garnishment for a Maria N. Gomez.

11. On or about February 1, 2008 plaintiff's employer informed defendants that the writ of garnishment incorrectly tied plaintiff's social security number to Maria N. Gomez. Additionally plaintiff sent a letter to defendants explaining that the debt and address of Maria N. Gomez were not plaintiff's.

12. On or about March 17, 2008 defendants amended the writ of garnishment to read Maria M. Gomez.

13. On March 24, 2008 plaintiff's employer notified defendants that plaintiff was not the correct debtor and asked defendants to correct the error.

14. Plaintiff again wrote defendants asking defendants to correct the error.

15. Plaintiff retained attorney Matthew Sowa who wrote to defendants asking defendants to correct the error.

16. Despite plaintiff and plaintiff's employer, defendants continued to try to collect from plaintiff.

#### TRIAL BY JURY

17. Plaintiff is entitled to and hereby respectfully demands a trial by jury. US Const. amend. 7. Fed. R. Civ. Pro. 38.

#### CAUSES OF ACTION

#### COUNT I.

#### VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 *et seq.*

18. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

19. The foregoing acts and omissions of Defendants constitute numerous and multiple violations of the FDCPA including, but not limited to, 15 U.S.C. § 1692e, 1692e(2)(a) 1692e(5) 1692e(10), 1692f.

20. As a result of Defendants' violations of the FDCPA, Plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3).

#### PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendants for:

#### COUNT I.

#### VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 *et seq.*

for an award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against each and every Defendant;

for an award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A) against each and every Defendant;

for an award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3) against each and every Defendant;

DATED: October 17, 2008

/s/ Keith D. Karnes

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